

EXHIBIT 11

Volume 22

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE SUSAN ILLSTON, JUDGE

IN RE: TFT-LCD (FLAT-PANEL))
ANTITRUST LITIGATION.) NO. C 07-MDL-1827 SI

San Francisco, California
Thursday
August 29, 2013
8:43 a.m.

Individual Cases:
CASE NO. 10-CV-4572
CASE NO. 12-CV-4114

TRANSCRIPT OF PROCEEDINGS

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(Appearances continued, next page)

JURY INSTRUCTIONS

1 entitled to a verdict in their favor. You must determine from
2 all of the evidence in this case, including the convictions
3 and findings of fact, whether the Defendants engaged in the
4 conduct alleged by the Plaintiffs, and whether the Plaintiffs
5 have proved all of the required elements of their claim.

6 The Defendants have offered evidence in this case to
7 refute the Plaintiffs' charges. If, after considering all of
8 the evidence presented by both -- both sides, you conclude
9 that the Plaintiffs have not proved all of the required
10 elements of their claims, then you cannot find the Defendants
11 liable in this case.

12 Toshiba and certain alleged co-conspirators were not
13 indicted by the Department of Justice, and you may consider
14 that fact in your deliberations. But the fact that Toshiba or
15 certain alleged co-conspirators were not criminally indicted
16 does not necessarily mean that they did not engage in the
17 alleged illegal conduct.

18 That completes the substantive instructions. So, I think
19 what we will do is we will take a ten-minute break at this
20 time, ladies and gentlemen. You haven't got the case to
21 deliberate, so don't speak with each other or anyone else
22 about the case, or make up your minds.

23 If you would be ready to come back, please, at ten 'til,
24 and we'll start with closing arguments.

25 (Jury excused)

1 what the average price was of the Korean and Japanese
2 manufacturers, because remember, this relates to HP, and the
3 contract there required Toshiba to price at the average price
4 of Korean and Japanese competitors.

5 So this shows an effort by Toshiba to comply with the
6 contractual obligation. Not an attempt to violate the
7 antitrust laws.

8 **THE COURT:** You're --

9 **MR. CURRAN:** How am I doing, your Honor?

10 **THE COURT:** You're over.

11 **MR. CURRAN:** Okay.

12 So I submit to you at that Toshiba has not agreed with any
13 competitor on anything. It certainly didn't agree to join in
14 the crystal meeting conspiracy, and the evidence that the
15 Department of Justice uncovered that's reflected in the guilty
16 pleas and the conviction of AUO, that helps prove that.

17 I also submit to you that Toshiba engaged in competitor
18 contacts for legitimate pro-competitive reasons, just like
19 Best Buy did.

20 Thank you for your attention today and throughout the
21 trial. I appreciate it.

22 Thank you, your Honor.

23 **THE COURT:** Thank you, Mr. Curran.

24 I think we'll take a brief recess, and then we'll come
25 back and conclude.

CERTIFICATE OF REPORTERS

I, BELLE BALL, Official Reporter for the United States Court, Northern District of California, hereby certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Belle Ball 

Thursday, August 29, 2013

I, CONNIE KUHL, Official Reporter for the United States Court, Northern District of California, hereby certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Connie Kuhl _____

Thursday, August 29, 2013